

**IN THE DISTRICT COURT OF THE VIRGIN ISLANDS**

**DIVISION OF ST. CROIX**

JOHN G. MENSCH,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil No. 2005/127
	)	
HOVENSA, L.L.C. and UNITED	)	Action for Discrimination
STEELWORKERS OF AMERICA, AFL-CIO	)	
on behalf of Local Union 8526,	)	
	)	
Defendants.	)	
	)	

---

**OPPOSITION TO MOTION TO EXTEND DISCOVERY DEADLINES**  
**NUNC PRO TUNC**

The Steelworker Defendants object to the Plaintiff's motion to extend the fact discovery deadlines. This case was filed in August 2005. While Plaintiff's motion notes that current counsel did not file the case, it fails to note that Plaintiff's current counsel has been handling this matter since May 2007, or more than a year and a half. When new counsel took over the case they assessed what needed to be done and the discovery needs of this case and sought a stipulation from the defendants to the extension of the discovery deadlines. This stipulation was entered as an order of the Court on June 1, 2007 (ECF docket sheet entry #33, attached as **Exhibit 1**). In January 2008 the Plaintiff again sought and received a stipulation from defendants to extend the discovery deadlines. This stipulation was adopted in part by the court by order dated January 18, 2008 (including the fact discovery deadline, see ECF docket sheet entry #50). After that, Plaintiff amended the complaint to add the USW International union as a defendant and the fact discovery deadline was extended to where it stands now, December 31, 2008 (ECF Docket sheet entry #74).

**Opposition To Motion To Extend Discovery Deadlines Nunc Pro Tunc**

Civil No. 2005/127

Page 2 of 3

The record clearly shows that despite the suggestion made in Plaintiff's motion, Plaintiff's current counsel is not new to this litigation. The record further shows that several extensions of the discovery deadlines have taken place since current counsel has been aboard. Plaintiff does not claim that the need for further discovery was recently discovered. In short, Plaintiff has failed to set for the any reasonable justification to support the requested extension of discovery deadlines.

Additionally, the Steelworker Defendants were waiting for the close of fact discovery to file their summary judgment motion. That deadline expired on December 31, 2008 and the Steelworkers will soon be filing that motion. The Steelworkers will be prejudiced by the further extension of the fact witness deadlines because they will have to further delay filing their summary judgment motion. This will require them to incur additional fees and costs in a case they have no business being part of. This matter has been pending for five years now.

WHEREFORE, it is respectfully requested that the Plaintiff's motion to extend the fact discovery deadlines be denied. A proposed Order is attached for the Court's convenience.

Respectfully submitted,

**SANFORD, AMERLING & ASSOCIATES**

2191 Church Street

Christiansted, VI 00820-4601

TEL. (340) 773-3681 FAX (340) 778-8104

DATED: February 3, 2009

By: 

Michael J. Sanford  
Attorney for USWA

**Opposition To Motion To Extend Discovery Deadlines Nunc Pro Tunc**

Civil No. 2005/127

Page 3 of 3

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 3rd day of February, 2009, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF) to the following:

Mary Faith Carpenter

**Law Offices of Rohn & Carpenter**

1101 King Street, Suite 2

Christiansted, VI 00820

lee@rohnlaw.com

Linda Blair

**Bryant, Barnes, Beckstedt, & Blair**

1134 King St., 2<sup>nd</sup> Floor

Christiansted, VI 00820

lblair@bryantbarnes.com

s/ Michael J. Sanford

Michael J. Sanford, Esq.

Attorney for United Steelworkers of  
America and United Steelworkers,  
Local 8526

2191 Church Street

Christiansted, VI 00820-4601

Phone: 340-773-3681

Fax: 340-778-8104

mike@saastx.vi